

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MANDI T. GRIFFIN,

Plaintiff,

v.

7:14-CV-1021

MISTY WEKAR,

Defendant.

DECISION & ORDER

Thomas J. McAvoy, Senior District Judge.

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983, alleging violations of Plaintiff's rights under the Fourteenth Amendment and the No Child Left Behind Act, 20 U.S.C. § 6301, *et seq.*, was referred to the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In the Report-Recommendation, dated July 9, 2014, Magistrate Judge Dancks recommends that Plaintiff's Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted. Magistrate Judge Dancks finds that no private cause of action exists under the No Child Left Behind Act, and that Plaintiff's constitutional claims are barred by the statute of limitations.

Plaintiff filed a timely objection to the Report-Recommendation pursuant to 28 U.S.C. § 636(b)(1). When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo*" determination of those portions of the report or

specified proposed findings or recommendations to which the objection is made.” See 28 U.S.C. §636(b)(1). After such a review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id.

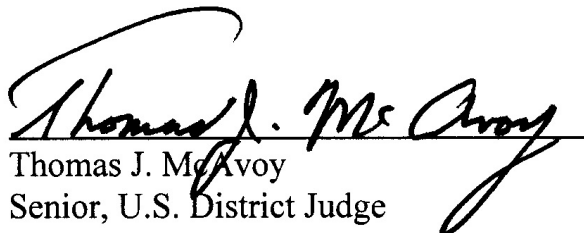
Having reviewed the record *de novo* and having considered the issues raised in the Plaintiff’s objections, this Court has determined to accept the recommendation of Magistrate Judge Dancks for the reasons stated in the Report-Recommendation.

It is therefore ordered that:

- (1) Plaintiff’s Objections, dkt. # 7, to the Report-Recommendation of Magistrate Judge Dancks, dkt. # 4, are hereby OVERRULED;
- (2) The Report-Recommendation is hereby ADOPTED;
- (3) Plaintiff’s Complaint is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: December 8 , 2014


Thomas J. McAvoy
Senior, U.S. District Judge